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**IN THE UNITED STATES DISTRICT COURT**  
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**FOR THE DISTRICT OF ARIZONA**  
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9 Church of the Eagle and the Condor, et al., No. CV 22-01004-PHX-SRB  
10 Plaintiffs,  
11 v.  
12 Merrick Garland, et al.  
13 Defendants.  
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**ORDER SETTING RULE 16 CASE  
MANAGEMENT CONFERENCE**

15 Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a Case Management  
16 Conference is set for **April 20, 2023 at 11:30 a.m.** in Courtroom 502, Sandra Day  
17 O'Connor U.S. Courthouse, 401 W. Washington St., Phoenix, Arizona 85003. In  
18 preparation for this Case Management Conference, it is hereby ordered as follows:

19 A. Rule 26(f) Meeting and Case Management Report.

20 The parties are directed to meet and confer at least 10 days before the Case  
21 Management Conference as required by Federal Rule of Civil Procedure 26(f). At this  
22 meeting the parties shall develop a joint Case Management Report which contains the  
23 information called for in section B below.

24 B. Joint Case Management Report.

25 The parties' Joint Case Management Report shall contain the following  
26 information in separately numbered paragraphs.

27 1. The parties who attended the Rule 26(f) meeting and assisted in developing  
28 the Case Management Report;

- 1        2.     A list of the parties in the case, including any parent corporations or entities  
2 (for recusal purposes);  
3        3.     A short statement of the nature of the case (3 pages or less);  
4        4.     The jurisdictional basis for the case, describing the basis for jurisdiction  
5 (see the accompanying footnote) and citing specific jurisdictional statutes;<sup>1</sup>  
6        5.     Any parties which have not been served and an explanation of why they  
7 have not been served, and any parties which have been served but have not answered or  
8 otherwise appeared;  
9        6.     A statement of whether any party expects to add additional parties to the  
10 case or otherwise to amend pleadings (the Court will set a deadline at the Case  
11 Management Conference for joining parties and amending pleadings);  
12       7.     A listing of contemplated motions and a statement of the issues to be  
13 decided by these motions (including motions under Federal Rule of Evidence 702);  
14       8.     Whether the case is suitable for reference to a United States Magistrate  
15 Judge for a settlement conference or trial;  
16       9.     The status of related cases pending before other courts or other judges of  
17 this Court;  
18       10.   A discussion of any issues relating to preservation, disclosure, or discovery  
19 of electronically stored information, including the parties' preservation of electronically  
20 stored information and the form or forms in which it will be produced (see

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21       <sup>1</sup> If jurisdiction is based on diversity of citizenship, the report shall include a statement of  
22 the citizenship of every party and a description of the amount in dispute. *See* 28 U.S.C.  
23 §1332. The parties are reminded that (1) a corporation is a citizen of the state where it is  
24 incorporated and the state of its principal place of business, and (2) partnerships and  
25 limited liability companies are citizens of every state in which one of their partners or  
26 members resides. *See* 28 U.S.C. §1332(c); *Indus. Tectonics v. Aero Alloy*, 912 F.2d  
27 1090, 1092 (9th Cir. 1990); *Belleville Catering Co. v. Champaign Market Place, L.L.C.*,  
28 350 F.3d 691, 692 (7th Cir. 2003). The parties are further reminded that the use of  
fictitious parties ("John Doe" or "ABC Corporation") "casts no magical spell on a  
complaint otherwise lacking in diversity jurisdiction." *Fifty Assocs. v. Prudential Ins.*  
*Co. of Am.*, 446 F.2d 1187, 1191 (9th Cir. 1970) (citations omitted).

1 Rules 16(b)(3), 26(f)(3));

2       11. A discussion of any issues relating to claims of privilege or work product  
3 (see Rules 16(b)(3), 26(f)(3));

4       12. A discussion of whether an order under Federal Rule of Evidence 502(d) is  
5 warranted in this case;

6       13. A discussion of necessary discovery. This discussion should take into  
7 account the December 1, 2015 amendments to Rule 26(b)(1), and should include:

8           a. The extent, nature, and location of discovery anticipated by the  
9 parties and why it is proportional to the needs of the case;

10           b. Suggested changes, if any, to the discovery limitations imposed by  
11 the Federal Rules of Civil Procedure;

12           c. The number of hours permitted for each deposition. The parties  
13 should consider whether a total number of deposition hours should be set in the case,  
14 such as 20 total hours for Plaintiffs and 20 total hours for Defendants. Such overall time  
15 limits have the advantage of providing an incentive for each side to be as efficient as  
16 possible in each deposition, while also allowing parties to allocate time among witnesses  
17 depending on the importance and complexity of subjects to be covered with the  
18 witnesses.

19       14. A statement of when the parties exchanged or will exchange Federal Rule  
20 of Civil Procedure 26(a) initial disclosures;

21       15. Proposed specific dates for each of the following (deadlines should fall on a  
22 Friday unless impracticable):

23           a. A deadline for the completion of fact discovery;<sup>2</sup>

24           b. Dates for full and complete expert disclosures under Federal Rule of

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26       <sup>2</sup> The discovery deadline is the date by which all discovery must be completed.  
27 Discovery requests must be served and depositions noticed sufficiently in advance of this  
28 date to ensure reasonable completion by this deadline, including time to resolve  
discovery disputes.

1 Civil Procedure 26(a)(2)(A)-(C);

2           c.     A deadline for completion of all expert depositions;

3           d.     A date by which the parties shall have engaged in good faith  
4 settlement talks;

5           e.     A deadline for filing dispositive motions.

6           16.    Whether a jury trial has been requested and whether the request for a jury  
7 trial is contested (if the request is contested, briefly set forth the reasons);

8           17.    The prospects for settlement, including any request of the Court for  
9 assistance in settlement efforts; and

10          18.    Any other matters that will aid the Court and parties in resolving this case  
11 in a just, speedy, and inexpensive manner as required by Rule 1.

12          The parties shall jointly file the Case Management Report with the Clerk not less  
13 than seven days before the Case Management Conference. It is the responsibility of  
14 Plaintiff(s) to initiate the Rule 26(f) meeting and preparation of the joint Case  
15 Management Report. Defendant(s) shall promptly and cooperatively participate in the  
16 Rule 26(f) meeting and assist in preparation of the Case Management Report.

17          C.    Case Management Order.

18          The Court directs counsel and any unrepresented parties to Federal Rule of Civil  
19 Procedure 16 for the objectives of the Case Management Conference. Counsel who will  
20 be responsible for trial of the lawsuit for each party, and any party that is not represented  
21 by counsel, shall appear and participate in the Case Management Conference and shall  
22 have authority to enter into stipulations regarding all matters that may be discussed.  
23 A continuance of the Case Management Conference will be granted only for good cause.

24          As a result of the Case Management Conference, the Court will enter a Case  
25 Management Order. The form of the Court's standard Case Management Order can be  
26 found on the Court's website at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under Judges and Courtrooms and  
27 Orders, Forms and Procedures. The Court fully intends to enforce the deadlines in the  
28 Case Management Order. The parties should plan their litigation activities accordingly.

1       D. Other Matters.

2           The parties are expected to comply fully with the Federal and Local Rules of Civil  
3           Procedure and to minimize the expense of discovery. The parties should ensure that all  
4           filings comply with Local Rules of Civil Procedure 7.1 and 7.2. In addition, in all filings,  
5           citations in support of any assertion in the text shall be included in the text, not in  
6           footnotes.

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          Dated this 21st day of March, 2023.

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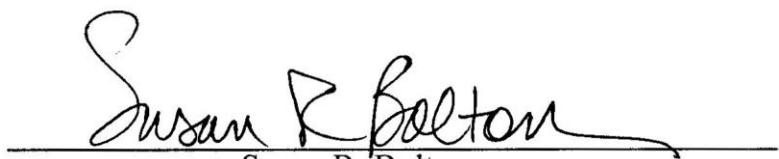
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Susan R. Bolton  
United States District Judge